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**AN ACT RELATIVE TO CRIMINAL SENTENCING**  
(House Bill No. 40, filed by Governor Patrick, Jan. 26, 2011)

**Bill Summary**

The Governor's criminal justice reform bill, "An Act Relative to Criminal Sentencing," proposes tough, smart, and fiscally sound changes in criminal law and sentencing, giving police and prosecutors tools they need to target and incapacitate violent and repeat offenders, while at the same time providing better opportunities for re-entry and rehabilitation of offenders.

The bill enhances crimes that punish violent repeat offenders. These provisions include:

- Amendments to the habitual offender laws to require the maximum sentence for felons with two prior felony convictions for serious crimes.
- Making habitual offenders ineligible for parole until serving two thirds of the maximum sentence – 25 years if serving a life sentence other than for first degree murder – amending current law that provides for parole eligibility after only half the maximum sentence.
- Requiring judges to impose a minimum term no less than 15 years on "life" sentences.

At the same time, the Governor's bill re-examines and eliminates mandatory minimum sentences for non-violent drug offenders who do not target or exploit children. States such as Rhode Island and Michigan have repealed all or most of their mandatory minimum sentences for drug crimes, proposed legislation is pending in Indiana, and many other states, ranging from New York and New Jersey to South Carolina and North Dakota, have repealed or relaxed mandatory minimums for certain drug crimes. The Governor's bill:

- Eliminates mandatory minimum sentences for drug crimes in chapter 94C of the General Laws that do not involve guns or children.
- For state inmates already serving a mandatory minimum sentence for a drug crime, provides for parole eligibility after they serve 1/2 of their maximum sentence, unless the offense involved violence, dangerous weapons, or children, consistent with current state law for county inmates.
- Reduces school zones from 1,000 to 100 feet.

The legislation also provides vital tools for reducing recidivism and managing overcrowded prisons by requiring supervised release for all state prison inmates after they serve their sentence, and permitting the movement of inmates, as appropriate, to lower levels of security, work release, and community supervision. Approximately 95% of prisoners nationwide are eventually released back into society, and those who have a period of supervised release and opportunities for training and, if necessary, treatment, are less likely to re-offend than those who do not. Therefore, to promote public safety, and to complement the upcoming Department of Re-Entry and Community Supervision bill, the Governor proposes:

- Mandatory post-release supervision for all state prison inmates.
- Making work release available for all inmates serving mandatory minimum sentences for drug crimes.
- Increasing the availability of earned good time credit, both while incarcerated and successfully completing community supervision.
- Medical release for prisoners too ill to commit additional crimes.
- Changing the definition of “state prison” to allow the Department of Correction more flexibility in use of its facilities.
- Mandating medical information sharing among state prisons, houses of correction, and Department of Mental Health facilities.